

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 29098 Permit 20388 License           

**ORDER APPROVING THE DISTRIBUTION OF STORAGE, A NEW DEVELOPMENT  
SCHEDULE, ADDING ENDANGERED OR THREATENED SPECIES TERM, AND  
AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 20388 was issued to Thomas Ratliff, Marcia Ratliff and Don Wool on November 7, 1989.
2. A petition for change in the distribution of storage and an extension of time in which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board on March 16, 1998.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. The State Water Resources Control Board has determined that the petition for change in the distribution of storage to an offstream pit reservoir does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. A new development schedule is approved as follows:  
  
Complete application of the water to the proposed use shall be made by December 31, 2008. (0000009)
2. The description of the place of use for the storage reservoirs be amended to read as:  
  
Madeline Reservoir within N½ Section 10 and S½ of Section 3, T37N, R13E, MDB&M and the pit reservoir within NW¼ of SW¼ of Section 10, T37N, R13E, MDB&M
3. The Paragraph 5 of the Permit be amended to read as:  
  
The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 200 acre-feet per annum to be collected from October 1 to April 1 of the succeeding year as follows: 150 acre-feet per annum in Madeline Reservoir and 50 acre-feet per annum in the Pit Reservoir.

4. The addition of Paragraph 5j to the permit to read as:

The maximum rate of diversion to offstream storage shall not exceed 25 cubic feet per second.

5. The addition of Paragraph 20 to the permit to read as:

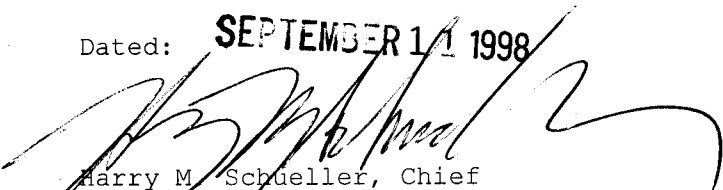
Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the rate and quantity of water diverted into the offstream pit-type reservoir from Madeline Reservoir.

6. The addition of Paragraph 21 to the permit to read as:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(Endangered or Threatened Species Term)

Dated: **SEPTEMBER 11 1998**



Harry M. Schueller, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20388

Application 29098 of Thomas Ratliff, Marcia Ratliff and Don Wool

P.O. Box 145, Madeline, CA 96119

filed on August 17, 1987, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

|                |                                  |
|----------------|----------------------------------|
| 1. Source:     | Tributary to:                    |
| Unnamed Stream | Madeline Reservoir thence        |
|                | Madeline Plains (a closed basin) |
|                |                                  |
|                |                                  |
|                |                                  |
|                |                                  |
|                |                                  |

| 2. Location of point of diversion:                                    | 40-acre subdivision of public land survey or projection thereof | Section | Town-ship | Range | Base and Meridian |
|-----------------------------------------------------------------------|-----------------------------------------------------------------|---------|-----------|-------|-------------------|
| NORTH 2,600 FEET AND EAST 1,400 FEET FROM THE SW CORNER OF SECTION 10 | NE¼ OF SW¼                                                      | 10      | 37N       | 13E   | MD                |
|                                                                       |                                                                 |         |           |       |                   |
|                                                                       |                                                                 |         |           |       |                   |
|                                                                       |                                                                 |         |           |       |                   |
|                                                                       |                                                                 |         |           |       |                   |
|                                                                       |                                                                 |         |           |       |                   |
|                                                                       |                                                                 |         |           |       |                   |

County of Lassen

| 3. Purpose of use: | 4. Place of use: | Section | Town-Ship | Range | Base and Meridian | Acre |
|--------------------|------------------|---------|-----------|-------|-------------------|------|
|                    | (See Addendum)   |         |           |       |                   |      |
|                    |                  |         |           |       |                   |      |
|                    |                  |         |           |       |                   |      |
|                    |                  |         |           |       |                   |      |
|                    |                  |         |           |       |                   |      |
|                    |                  |         |           |       |                   |      |
|                    |                  |         |           |       |                   |      |
|                    |                  |         |           |       |                   |      |

The place of use is shown on map on file with the State Water Resources Control Board.

ADDENDUM

| 3. Purpose of use: | 4. Place of use:                                                                                                                | Section | Town-Ship | Range | Base and Meridian | Acre       |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------|---------|-----------|-------|-------------------|------------|
| STOCKWATERING      | MADELINE RESERVOIR WITH NW <sub>2</sub> SECTION 10 AND S <sub>2</sub> OF SECTION 3 PLUS AT VARIOUS LOCATIONS IN IRRIGATED AREA. |         | 37N       | 13E   | MD                |            |
| IRRIGATION         | SW <sub>4</sub> OF NW <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 2          |
|                    | NE <sub>4</sub> OF NW <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 15         |
|                    | SE <sub>4</sub> OF NW <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 37         |
|                    | NW <sub>4</sub> OF SW <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 12         |
|                    | NE <sub>4</sub> OF SW <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 13         |
|                    | SW <sub>4</sub> OF NE <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 20         |
|                    | SE <sub>4</sub> OF NE <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 4          |
|                    | NW <sub>4</sub> OF SE <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 34         |
|                    | SW <sub>4</sub> OF SE <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 10         |
|                    | NE <sub>4</sub> OF SE <sub>4</sub>                                                                                              | 3       | 37N       | 13E   | MD                | 4          |
|                    | SW <sub>4</sub>                                                                                                                 | 10      | 37N       | 13E   | MD                | 76         |
|                    | SW <sub>4</sub> OF SE <sub>4</sub>                                                                                              | 10      | 37N       | 13E   | MD                | 2          |
|                    | NW <sub>4</sub>                                                                                                                 | 15      | 37N       | 13E   | MD                | 160        |
|                    | NE <sub>4</sub> OF SE <sub>4</sub>                                                                                              | 15      | 37N       | 13E   | MD                | 80         |
|                    | NW <sub>4</sub> OF NE <sub>4</sub>                                                                                              | 15      | 37N       | 13E   | MD                | 22         |
|                    | SW <sub>4</sub> OF NE <sub>4</sub>                                                                                              | 15      | 37N       | 13E   | MD                | 40         |
|                    | NW <sub>4</sub> OF SE <sub>4</sub>                                                                                              | 15      | 37N       | 13E   | MD                | 40         |
|                    | NW <sub>4</sub>                                                                                                                 | 16      | 37N       | 13E   | MD                | 160        |
|                    | SW <sub>4</sub>                                                                                                                 | 16      | 37N       | 13E   | MD                | 160        |
|                    | SE <sub>4</sub>                                                                                                                 | 16      | 37N       | 13E   | MD                | 160        |
|                    | NE <sub>4</sub>                                                                                                                 | 16      | 37N       | 13E   | MD                | <u>155</u> |
|                    |                                                                                                                                 |         |           |       | TOTAL             | 1,206      |
|                    |                                                                                                                                 |         |           |       |                   |            |
|                    |                                                                                                                                 |         |           |       |                   |            |
|                    |                                                                                                                                 |         |           |       |                   |            |

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 200 acre-feet per annum to be collected from October 1 of each year to April 1 of the succeeding year. (0000005)

5i. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1992. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1993. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

Application \_\_\_\_\_

Permit 20388

14. Rights under this permit are, and shall be, specifically subject to existing rights determined by the Tule Lake Reservoir System Adjudication, Superior Court, County, No. 17327 insofar as said adjudicated rights are maintained. (0000023)

15. Permittee shall install and properly maintain in the reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir.

Permittee shall record the staff gage reading on or about October 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

Permittee shall allow a designated representative of John Hancock Mutual Life Insurance Company reasonable access to the reservoir for the purpose of verifying staff gage readings and determining water levels in the reservoir. (0070047)  
(0100047)

16. Permittee shall maintain the existing outlet pipe for Madeline Reservoir in proper working order. (000S001)

17. Enlargement of the storage dam shall not be commenced until the Department of Water Resources has approved the plans and specifications. (0130049)

18. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)

19. Whenever the prior storage rights of John Hancock Mutual Life Insurance Company under appropriation issued pursuant to Application 28943 are not satisfied by April 15 of any year, upon written request of John Hancock Mutual Life Insurance Company, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water if conditions exist that would prevent such releases from reaching the point of diversion designated under Application 28943, as mutually determined by permittee and John Hancock Mutual Life Insurance Company. Permittee shall also not be obligated to release water in the reservoir below the previous October 1 staff gage reading, unless permittee has withdrawn water from the reservoir for consumptive purposes since October 1. (0000051)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: NOVEMBER 07 1989

STATE WATER RESOURCES CONTROL BOARD

*Roger [Signature]*  
for Chief, Division of Water Rights